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Oficina Central, Bloomington, Illinois

To / A: Andrew Gass

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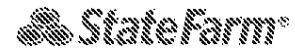
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Message / Mensaje:

From/De:[Jonah Kennedy], Phone:[(844) 292-8615],  
Subject:[36-0325-9F5], Comments:[]

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*Providing Insurance and Financial Services  
Home Office, Bloomington, IL*



July 27, 2020

Andrew Gass Attorney At Law  
PO Box 20034  
Oklahoma City OK 73156-0034

State Farm Claims  
PO Box 106171  
Atlanta GA 30348-6171

RE:    Claim Number:            36-0325-9F5  
       Date of Loss:             November 4, 2015  
       Our Insured:             Lynnette Mason  
       Policy Number:         363261936  
       Your Client(s):         Lynnette Mason

To Whom It May Concern:

Mr. Gass,

I have received your letter of June 18, 2020. In addition to reviewing the information in your letter I have also reviewed the Court's Pre-Trial Conference Order filed on April 17, 2019, the Court's Jury Instructions filed on September 25, 2019 and the Court's Journal Entry of Judgment filed on October 3, 2019.

From my review of the Court's documents referenced above, it appears to me in Jury Instruction number 4 the Jury was instructed that the issues in the case were:

" The parties to this case are Lynnette Mason, the Plaintiff, and Lyndee Harrison, the Defendant.

The parties admit: On November 4, 2015, a motor vehicle accident occurred between Plaintiffs vehicle and Defendant's vehicle on NW 12<sup>th</sup> Street in Moore, OK.

Plaintiff, Lynette Mason, claims that she sustained injuries which were directly caused by the negligence of Defendant, Lyndee Harrison in colliding with the rear of Plaintiffs vehicle.

Defendant Lyndee Harrison denies liability for causing the accident , and denies the causation, nature and extent of Plaintiffs claimed injuries.

These are the issues you are to determine."

I do not find a Jury Instruction which addresses the presence and/or involvement of a phantom driver/vehicle. I also do not find a Jury Instruction which instructs the jury that your client claimed the accident and/or her injuries were caused in whole or in part by the negligence of a phantom driver/vehicle.

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The Jury Instructions contained a Blue Plaintiff's Verdict Form and a Pink Defense Verdict Form. The jury returned a Pink Defense Verdict Form. The Jury Instruction explaining the use of the Pink Defense Verdict Form provides:

" Instruction No. 20

Pink Verdict Form - Direction

If you find the occurrence with which this lawsuit is concerned was directly caused by the contributory negligence of Lynnette Mason, and not by the negligence of the part of Lyndee Harrison, or, if you find that Lynnette Mason has failed to prove Lyndee Harrison was negligent , then you shall use the Pink Verdict Form and find in favor of Lyndee Harrison."

It is my understanding that because the Jury selected the Pink Defense Verdict Form it determined that the accident was "directly caused by the contributory negligence of Lynette Mason, and not by the negligence on the part of Lyndee Harrison" or that your client "failed to prove Lyndee Harrison was negligent." I do not find anything in the jury's verdict to suggest that there was a phantom driver/vehicle that caused or contributed to the happening of this accident.

The Court's Journal Entry of Judgment signed by the lawyers for Plaintiff and Defendant as well as the Court and filed on October 3, 2019, also does not suggest that there was a phantom driver/vehicle that caused or contributed to the happening of this accident.

As stated above, I also reviewed the court's Pre-Trial Conference Order filed on April 17, 2019. My review of this court document did not reveal a reference or claim by your client the accident and/or her injuries were caused in whole or in part by the negligence of a phantom driver/vehicle.

Based on the court documents I have reviewed, it appears the jury determined the accident was caused by Ms. Mason's contributory negligence or Ms. Mason failed to prove Ms. Harrison was negligent and caused her any damages. I do not find anything in the jury's verdict to suggest that there was a phantom driver/vehicle that caused or contributed to the happening of this accident as you have suggested in your letter.

It is my understanding that Ms. Mason did not file an appeal and has accepted the Jury's verdict.

Your conclusion that "the explanation for the defense verdict is 'the driver of the third vehicle' referred to by Lyndee Harrison" does not seem to be an option presented to the Jury. Therefore, I am uncertain how you reach your conclusion.

I do not believe the Jury's verdict support's your conclusion or Ms. Mason's claim for payment under the Uninsured Motorist Coverage.

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I welcome any additional information you may wish to present.

Sincerely,

Jonah Kennedy  
Claim Specialist  
(844) 292-8615 Ext. 339  
Fax: (855) 820-6318

State Farm Mutual Automobile Insurance Company